

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 H-02 INR-07 L-03 NSAE-00 OIC-02

OMB-01 PA-01 PM-03 PRS-01 SAJ-01 SAM-01 SP-02 SS-15

TRSE-00 DODE-00 NSC-05 ACDA-05 BIB-01 CU-02 /075 W

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O R 271826Z JUN 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4136

INFO AMEMBASSY BELGRADE

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY BUCHAREST

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION NATO

C O N F I D E N T I A L GENEVA 4966

FOR EUR/RPM

EO: 11652: GDS

TAGS: CSCE PFOR XG

SUBJ: CSCE: US LEGAL RESERVATIONS ON FOLLOW-UP TXT

REFS: . STATE 137522; B. STATE 150384

1. WE REITERATED TO NATO CAUCUS JUNE 26 US CONCERNS AND ESSENTIAL REQUIRMENTS REGARDING LEGAL ASPECTS OF COMMITMENT LANGUAGE IN FOLLOW-UP TEXT PER REFS A AND B; POINTING OUT THAT WE WOULD PREFER TO SOLVE THIS PROBLEM IN COOPERATION WITH OUR ALLIES, BUT WOULD, IN ANY CASE, HAVE TO TACKLE ISSUE IN WORKING GROUP EARLY
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NEXT WEEK.

2. DANE, SPEAKING FOR NINE, SAID THAT THEY FULLY UNDERSTAND US PROBLEM, AND WOULD THEREFORE CONTINUE TO ENTER RESERVATIONS ON COMMITMENT LANGUAGE IN DISCUSSION OF NEW TEXT DEVELOPING IN OPEN-ENDED FOLLOW-UP WORKING GROUP (WHICH THEY SUBSEQUENTLY DID). DANE POINTED OUT AGAIN, HOWEVER, THAT "SIGNIFICANT" WEAKENING OF COMMITMENT LANGUAGE WOULD POSE SERIOUS PROBLEMS PARTICULARLY FOR NEUTRALS. NEVERTHELESS, THE NINE WOULD NOW MAKE A FURTHER EFFORT TO MEET OUR CONCERNS AND HOPED TO BE ABLE TO GIVE US SOME CONSTRUCTIVE REACTIONS AT NATO CAUCUS JUNE 27.

3. AT NATO CAUCUS JUNE 27 UK, FRANCE, DANE, AND NUMBER OF OTHER DELEGATIONS INDICATED THAT, AFTER CAREFUL CONSIDERATION, NEITHER OF FORMULATIONS CONTAINED IN PARA 2 A REFTEL A COULD BE SUPPORTED BY ALLIS, WHO CONSIDERED THAT THEY WOULD EXCESSIVELY WEAKEN AND PERHAPS JEOPARDIZE EMERGING AGREEMENT ON FOLLOW-UP DOCUMENT. UK THEN FORMALLY APPEALED TO US TO GIVE FURTHER THOUGHT TO POSSIBLE ALTERNATIVE FORMULATIONS, AND SUGGESTED THAT UK, AND MOST OF NINE, WOULD RELUCTANTLY SUPPORT THE PHRASE "DECLARE THAT THEY WILL ...", TO REPLACE "WILL", "AGREE" AND SIMILAR PHRASES IN EMERGING FOLLOW-UP TEXT. THIS SUGGESTION HAD STRONG, VIRTUALLY UNANIMOUS SUPPORT IN CAUCUS, WITH EXCEPTION FRENCH WHO REMAINED SILENT.

4. COMMENT AND REQUESTED ACTION: IN VIEW OF ALLIED APPEAL, AND PREDICTABLY STRONG NEUTRAL AND ROMANIAN REACTION TO LANGUAGE PROPOSED PARA 2A REFTEL A WE WOULD APPRECIATE DEPARTMENT'S ADVICE WHETHER FORMULA SUGGESTED BY UK AND OTHERS, I.E. "DECLARE THAT THEY WILL..." IS ACCEPTABLE FROM LEGAL VIEWPOINT, ASSUMING AN ADEQUATE DISCLAIMER ON THE NON-LEGAL CHARACTER OF ALL CONFERENCE DOCUMENTS IS INCLUDED IN THE FINAL ACT. IF "DECLARE THAT THEY WILL..." IS NOT ACCEPTABLE, WE WOULD APPRECIATE OTHER DRAFTING SUGGESTIONS FROM DEPARTMENT, ALTHOUGH, AS THE ABOVE TEXT SUGGESTS, THEY SHOULD IF AT ALL POSSIBLE CONTAIN THE WORD "WILL". SINCE WORK IN INFORMAL FOLLOW-UP WORKING GROUP IS NOW PROGRESSING AT VERY RAPID PACE IT WILL BE ESSENTIAL TO STATE US POSITION ON THIS ISSUE IN WORKING GROUP AFTERNOON OF JUNE 30. REPLY BY OPENING OF BUSINESS JUNE 30 THEREFORE REQUESTED.DALE

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